



**CHILD STUDY AND TREATMENT CENTER
FORENSIC SERVICES**

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FORENSIC MENTAL HEALTH EVALUATIONS: SOME BASIC INFORMATION

- Fact #1:** Children who have mental health disorders are at an increased risk to get in trouble with the law.
- Fact #2:** Children who get in trouble with the law may have serious mental health disorders.
- Fact #3:** Younger and younger children are becoming involved in the juvenile justice system.

- Judges and attorneys are aware of these facts, because many young children with mental health problems appear before the court.
- When the court becomes concerned that a particular child who's in trouble with the law may also have a mental health disorder and/or may be limited by their young age, this may raise some important questions, such as:
 - *Will the child's mental disorder and/or young age prevent him/her from being able to adequately participate in his/her own hearing?*
 - *Did that child's mental disorder and/or young age play a role in how they got into trouble that should be considered by the court?*
 - *Does that child's mental disorder and/or young age place him/her at greater risk to break the law in the future?*
- When the judge wants to know the answer to these kinds of questions, the court may order a forensic mental health evaluation. The law that covers these evaluations is RCW 10.77. The purpose of the evaluation is to help the court figure out if the child has a mental health or developmental issue that is relevant to his/her legal problems.

FORENSIC SERVICES AT CSTC

- CSTC Forensic Services offers different types of forensic mental health evaluations of children. The type of evaluation that is conducted is a matter determined by the court when it orders the evaluation. The different evaluations are:
 - **Competency:** *If the child currently has a mental disorder or is young, will that disorder and/or age prevent him/her from being able to adequately participate in his/her own legal proceedings?*
 - **Mental State at the Time of the Offense (Sanity and Diminished Capacity):** *If the child had a mental disorder or was young at the time of the alleged offense, did that disorder and/or age play a role in the offense he/she is alleged to have committed? Did that disorder cause symptoms or did that age cause problems that meet certain legal criteria?*
- Also, by law, every court-ordered 10.77 evaluation will include an evaluation of the child's:
 - **Risk to commit future violent acts or other crimes**

- **These evaluations are very different from most psychological and psychiatric evaluations.** For example:
 - **Our job is to help the court, not necessarily the child.** Sometimes this process helps the child, but sometimes it does not.
 - **Our evaluation is not confidential.** Anything we learn can be included in our report to the court and may be discussed in court.
 - **The child has the right to refuse to participate in the evaluation to any extent they choose and they have the right to have their attorney present when they are interviewed.**

HOW DO WE CONDUCT A FORENSIC MENTAL HEALTH EVALUATION?

- **Most children who receive our forensic evaluations are interviewed at CSTC.** The children we evaluate are living at home, in some type of facility, or are being held in custody in a detention center while they are waiting for their legal case to be finished. Parents, guardians, care providers, or detention staff transports the child to CSTC, where they are interviewed for a few hours by one of CSTC's forensic evaluators. Given certain factors, some children held in custody may be interviewed at the detention center.
- **In this interview we assess:**
 - The child's background and history
 - The child's current mental status
 - The child's history of psychiatric problems and symptoms
 - Information specific to the legal questions being asked by the court
 - When needed, psychological testing may be conducted
- **The interview is only one part of the forensic evaluation** (which is why we need as much as 15 days to complete our report for the court). We also:
 - Conduct interviews with family members, teachers, care providers or other persons who might have relevant information
 - Obtain and review as many relevant records as possible, such as medical, academic, legal, and prior mental health records.

THEN . . .

We integrate all of this information to answer the legal questions that the court is asking.
We write up our report, and submit it to the court.

COMPETENCY TRATMENT

- **If the court decides that a child is not competent to stand trial**, and the court has reason to believe that the child could become competent if he/she receives treatment for his/her mental health problems, then the child may be ordered to undergo treatment in our inpatient psychiatric facility.
- **These children are sent to CSTC** under either a court order of up to 29-days or a court order of up to 90-days, depending on the seriousness of the charge(s) they face. These orders are often referred to as a "10.77 order." These children reside at CSTC, during which time they are evaluated and treated by members of CSTC's medical, psychological, social work, and nursing staff.
- **These professionals will work together, to assess and treat whatever problem(s) the child is having, that are keeping them from proceeding with their legal situation.** Usually these children receive one or more of the following:
 - **Psycho-education**, to help them understand basic legal concepts and other issues they need to know for court.
 - **Medications**, to help manage their mood problems, impulsive behavior, and/or confused thinking.
 - **Behavioral management**, to assess their maladaptive and ineffective behaviors, and replace them with more adaptive and effective behaviors..
- **Through ongoing evaluation, the forensic evaluator must determine whether:**
 - (a) The child has become competent;
 - (b) The child has not become competent, but is making progress and could become competent with more treatment; or
 - (c) The child has not become competent, and is not likely to become competent even with further treatment
- **When the ordered time-period runs out**, the Forensic Services must make the determination described above and submit a report to the court. In some cases, the court retains the authority to return the child for further competency treatment for a second 90-day period and, then after that, for a 180-day period. If the child remains incompetent after a year of treatment efforts, the court must dismiss the charges against the child. (Further treatment is not authorized if the child is not charged with a felony offense or if their incompetency is due solely to a developmental disability.)